

HIGH COURT OF TRIPURA
AGARTALA

B.A. 6/2024

Sebika Deb(Roy) on behalf of accused Biplab Deb

....Applicant(s)

Versus

The State of Tripura

....Respondent(s)

For Applicant(s)	:	Mr. Subrata Sarkar, Sr. Advocate Ms. P. Chakraborty, Advocate
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE ARINDAM LODH
Order

22/02/2024

Heard Mr. Subrata Sarkar, learned senior counsel assisted by Ms. P. Chakraborty, learned counsel appearing for the applicant. Also heard Mr. Raju Datta, learned P.P. appearing for the respondent-State.

This is an application filed under Section 439 of Cr.P.C. praying for granting bail to the accused namely, Biplab Deb, now in custody for last 57 days, who has been arrested in connection with Bodhjunnagar PS case No.2023/BJN/080 pending before the court of learned Special Judge, Agartala, West Tripura for committing offences under Sections 325/328/354(C)/354(D)/376(2)(f)/376(3)/506 of IPC read with Section 4 of POCSO Act.

Mr. Sarkar, learned senior counsel for the applicant has submitted that the accused person has been in custody for last 57 days. The allegation against the accused person has been made by his own daughter for commission of the aforesaid offences. It is submitted that the F.I.R. has been lodged after 1(one) year of the date of occurrence of the alleged incident. It is further submitted that on completion of investigation charge-sheet has already been submitted by the Investigating Officer.

In this situation, learned senior counsel has urged this Court that since charge-sheet has been submitted, the accused may be released on bail because there is no chance of interference by the accused in the process of investigation. Learned senior counsel has further submitted that this is not

the stage for imposing punishment upon the accused and his further custody will amount to imposition of punishment by the Court.

Strongly opposing the prayer of learned senior counsel for the applicant, Mr. Raju Datta, learned P.P. has contended that the allegations against the accused person are serious in nature and that too by the daughter of the accused, who at the time of incident was aged about 16 years. Mr. Datta, learned P.P. has submitted that the brother of the victim girl had witnessed the incident. Learned P.P. has tried to persuade this Court that if the accused person is released on bail, then, he will definitely try to win over the witnesses and will also try to threat the victim girl as well as his son, who is the eye-witness to the incident.

I have considered the submissions of learned counsel appearing for the parties. I have also perused the complaint lodged by the mother of the victim girl.

In her complaint dated 25.12.2023, the mother of the victim girl has narrated the incidence of attempt to rape and molestation upon her daughter. It is also stated in the complaint that the monthly income of the accused person was not less than Rs.4-5 lakh, but, he did not pay any maintenance allowances during their separation for 2 years. Moreso, the accused person has been threatening the victim girl.

I have perused the statements recorded under Section 164(5) of Cr.P.C. wherein the victim girl had given a description of the various stages of the attempt to rape upon her. The statement of the brother of the victim girl has also been recorded under Section 164 of Cr.P.C. Ultimately, the Investigating Officer has submitted the charge-sheet.

In the above background of facts, the prayer for granting bail to the accused person has to be considered.

At the very outset, I must say that this is not the stage of imposing punishment upon the accused. The principle of granting bail is quite different from the principles of imposing punishment upon the accused.

Moreover, in the instant case, investigation has been completed. There is no record put forth by the prosecution that during the course of investigation, the accused had tried to interfere with the process of investigation. There is also no allegation that the accused at any point of time had threatened or tried to temper the evidence. The investigation had

proceeded smoothly without any interference from any corners resulting the submission of charge-sheet against the accused. Whether the accused is guilty or not that will be decided after completion of trial by the competent Court and if the accused is found guilty, then, he will definitely be convicted and be sentenced accordingly.

In view of the aforesaid discussions, I am inclined to release the accused on bail imposing some conditions. Accordingly, it is hereby ordered that the accused namely, Biplab Deb shall be released on bail on furnishing a bond of Rs.50,000/-(Rupees Fifty thousand) with one surety of like amount to the satisfaction of the concerned jurisdictional Magistrate in the following terms and conditions:

- i. that the accused shall not try to meet his wife and children including the victim girl and his son.
- ii. the Officer In-charge as well as the Investigating Officer of the concerned police station are directed to keep a strong vigil upon the accused whether he makes any attempt to meet with any of the family members as aforesaid and try to influence or threat or intimidate any of the witnesses in connection with the case.
- iii. the accused shall not leave the jurisdiction of the East Agartala Police Station without prior permission of the Officer In-charge. However, the accused is permitted to work in his garage to maintain the livelihood of his own and family members.
- iv. It is made clear that the movement of the accused shall be limited to his garage only and nowhere in Ranirbazar area.

With the aforesaid directions, the instant application for bail stands allowed.

JUDGE

Snigdha